AMENDMENTS TO THE DRAWINGS:

The attached replacement drawing sheet makes changes to Fig. 9 and the attached new drawing sheet makes changes to Fig. 10 and adds new Fig. 11.

REMARKS

Favorable reconsideration in view of the previous amendments and following remarks is respectfully requested.

Claims 1-28 are pending. Currently, claims 13-28 are under examination, claims 1-12 having been withdrawn as a result of the May 2, 2008 restriction requirement. By this Amendment, claims 13-21, 23, 25 and 26 are amended, and new claims 27 and 28 are added. No new matter has been added.

Applicants respectfully request acknowledgment of Applicants' claim for priority. Copies of the priority documents have been forwarded from the International Bureau.

The Office Action objects to the drawings. In particular, the Office Action asserts that the drawings do not show every feature of the claims. Applicants note that the launching platform is element 4 in Fig. 9. The sensors are shown in Fig. 1A. The electronic delay elements are shown in Fig. 1D. The remaining features have been added to the drawings.

In paragraph 7, the Office Action objects to the drawings because reference characters 1-5 are allegedly not described in the specification. The Examiner's attention is directed to pages 19-22 of the as-filed specification, which describe reference characters 1-5.

The Office Action rejects claims 14, 16, 20-23 and 25 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, paragraphs 11-17 of the Office Action indicate that various features recited in the claims have not been described in the specification in such a way as to enable one

skilled in the art to make and/or use the invention. This assertion is respectfully traversed.

Similarly, the Office Action rejects claims 14, 16 and 20-23 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

With respect to enablement, the Examiner's attention is drawn to MPEP §2164.01. In the analysis of whether a particular claim is supported by the disclosure, a determination is required of whether the disclosure enables one skilled in the pertinent art to make and use the claimed invention. A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991). All of the items described in paragraphs 11-17 of the Office Action are features well known in the art.

As described in MPEP §2161.01, the function of the written description requirement is to ensure that the inventor had possession of, as of the filing date of the application relied on, the specific subject matter later claimed by him or her. How the specification accomplishes this is not material. The enablement requirement is separate from the written description requirement. To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. Again, all of the features described in paragraphs 19, 20, 21, 22, 23, 24 and 25 are well known to the ordinarily skilled artisan. A lack of adequate written description arises if the knowledge and level of skill in the art would not permit one skilled in the art to immediately envisage the product claimed from the disclosed process. *Fujikawa v. Wattansin*, 93 F.3d 1559, 1571, 39 USPQ2d 1895, 1905 (Fed. Cir. 1996). Also see MPEP §2163(II)(A), where

it states that the Examiner has the initial burden of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims. Further, there is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed.

Thus, withdrawal of the rejections under 35 U.S.C. §112, first paragraph, is respectfully requested.

The Office Action rejects claims 13-26 under 35 U.S.C. §112, second paragraph. The claims have been amended to address the Examiner's concerns.

The Office Action rejects claims 13, 15, 18, 19, 24 and 26 under 35 U.S.C. §103(a) over the *Herrmann* publication in view of U.S. Patent Application Publication No. 2002/0149510 to *Salzeder*; and rejects claim 14 under 35 U.S.C. §103(a) over *Herrmann* and *Salzeder* and further in view of U.S. Patent Application Publication No. 2007/0151493 to *Graf et al.*; rejects claim 16 under 35 U.S.C. §103(a) over *Herrmann* and *Salzeder* and further in view of U.S. Patent No. 7,086,318 to *Darnall*; rejects claim 17 under 35 U.S.C. §103(a) over *Herrmann* and *Salzeder* and further in view of U.S. Patent No. 4,222,306 to *Maury*; and rejects claims 20, 22 and 23 under 35 U.S.C. §103(a) over *Herrmann* and *Salzeder* and further in view of U.S. Patent No. 4,852,456 to *Thornburg*. These rejections are respectfully traversed.

Applicants' independent claim 13 is directed to a protective system apparatus for the protection of ships against terminal phase guided missiles. A target analysis system comprises at least one computer including a database in which appropriate decoy patterns for respective missile types and respective attack structures are stored, which allow to generate, in dependence on the identified missile in the attack

structure, a particular decoy pattern so as to effectively protect a ship against an identified threat. Such features encompass Applicants' exemplary embodiment as illustrated in Fig. 8, wherein warning sensors detect approaching missiles, the respective missile type as well as its direction of approach and distance. This data is supplied to the central computer 2. The specific data relevant for a missile defense with regard to the detected missile type, is fetched from a correlation database or threat table.

The Examiner recognizes in paragraph 42 of the Office Action that the Herrmann publication lacks a computer including a database in which appropriate decoy patterns for respective missile type and the respective attack structure are stored. Applicants respectfully disagree with the Office Action's assertion that the Salzeder publication overcomes this deficiency of the Herrmann publication.

The Salzeder publication discloses a method for the protection of mobile military facilities against target seeking weapons, including detection of target-seeking guided weapons, calculation of trajectories of the weapons and at least one mobile dirigible launcher. In paragraphs [0046] and [0050] of the Salzeder publication it is stated in detail that the firing pattern still has to be determined dependent on several parameters. "The signals are passed on to the system computer which selects the chaff ammunition, determines azimuth and elevation for deploying the radar phantom targets, determines the most favorable firing time, the "walk-off" direction and the timing and number of single rounds...." (Emphasis added). However, a computer including a database in which an appropriate decoy pattern for a respective missile type and a respective attack structure, which are

stored to allow generation of a particular decoy pattern, i.e., the direct access to a database with stored decoy patterns is not suggested by the Salzeder publication.

Applicants' independent claim 13 relates to, in combination with other claimed features, an apparatus with a prestored decoy pattern corresponding to a particular threat (or which has been adapted based on a particular threat) and referring to different parameters like the object to be protected, the threat or the environment.

As discussed in Applicants' as-filed specification on page 6, lines 12 to 15, it is stated that the method and apparatus of the present invention ensure that it is possible, in dependence on all of the input parameters (missile, ship, wind) to spontaneously generate a decoy formation which is fully flexible. Further, it is described on page 16, lines 20 to 23 that in order to be able to defend against the multiplicity of various missiles in different threat situations by means of a decoy system, the ability of generating individually adapted, accurately placed decoy patterns in response to any threat situation is indispensable.

Additionally, to protect a ship effectively from target-seeking guided weapons it is of great importance that the calculation time is as short as possible. Therefore, it is crucial to have direct access to already existing decoy patterns. A database with decoy patterns and/or the access to such a database in a protection system apparatus according to claim 13 is not disclosed nor suggested by the combination of the Herrmann and Salzeder publications.

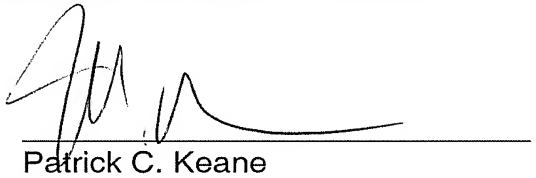
The dependent claims are allowable for at least the reasons discussed above, as well as for the individual features they recite.

Early and favorable action with respect to this application is respectfully requested.

Should the Examiner have any questions regarding this Amendment or the application in general, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 20, 2009 By: 

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